The Fifth Estate

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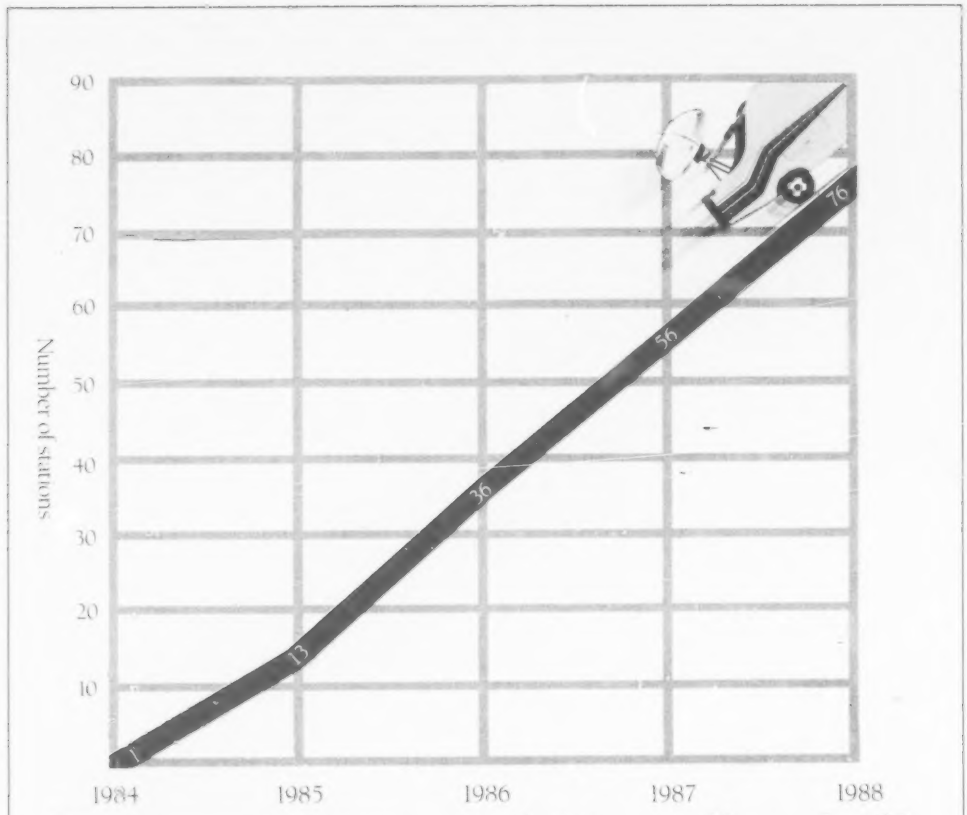
RADIO TELEVISION CABLE SATELLITE

Broadcasting Jun 27



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ONE OR THE OTHER □ INTV President Preston Padden urges broadcasters to pursue traditional public interest standard, adding that they can't have special status and expect free press freedoms enjoyed by print model. **PAGE 52.**

GREY AREA □ Lawmakers again examine colorization issue, taking closer look at H.R. 2400 and at amendment to appropriations bill that would protect films against material alterations. **PAGE 55.**

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POINT MAN □ House Commerce Committee's Mark MacCarthy earns high praise from industry lobbyists for his political acumen and judicious handling of issues on behalf of Chairman John Dingell of Michigan. **PAGE 87.**

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BY THE NUMBERS

Summary of broadcasting and cable

BROADCASTING			
SERVICE	ON AIR	CP's	TOTAL *
Commercial AM	4,912	170	5,082
Commercial FM	4,058	418	4,476
Educational FM	1,324	173	1,497
■ Total Radio	10,294	761	11,055
FM translators	789	444	1,233
Commercial VHF TV	540	23	563
Commercial UHF TV	485	222	707
Educational VHF TV	119	3	122
Educational UHF TV	214	25	239
■ Total TV	1,358	273	1,631
VHF LPTV	102	74	176
UHF LPTV	267	136	405
■ Total LPTV	369	210	581
VHF translators	2,869	186	3,055
UHF translators	1,921	295	2,216
ITFS	250	114	364
Low-power auxiliary	824	0	824
TV auxiliary	7,430	205	7,635
UHF translator/boosters	6	0	6
Experimental TV	3	5	8
Remote pickup	12,338	53	12,391
Aural STL & intercity relay	2,836	166	3,002

CABLE†	
Total subscribers	45,000,000
Homes passed	71,500,000
Total systems	8,000
Household penetration†	51.1%
Pay cable penetration	28.6%

* Includes off-air licenses.

† Penetration percentages are of TV household universe of 88.6 million.

to 9.5 minutes per hour and require two-year period before toys featured in programs can be promoted. ACT June 17 also filed petition at FCC to add one other element to its investigation: allegation that advertisers (mainly toy manufacturers) are making, and nonnetwork TV stations are airing, second set of commercials that internal network policies prohibit.

Comparative Renewal

■ FCC took first step toward reforming much-maligned comparative renewal process, launching proceeding at open meeting last Thursday (June 23). Proceeding is aimed at correcting what are widely seen as abuses of process. Assuaging concerns of NAB, FCC Chairman Dennis Patrick has indicated FCC would stop short of adopting changes that would virtually assure license renewal. NAB feared that such approach could cause congressional backlash.

Reform has some support on Hill, particularly from Republicans. Seventeen Republican members of House Commerce Committee sent letter to FCC Chairman Dennis Patrick urging him to reform comparative renewal process.

Talk of reform comes against backdrop of license challenge of CBS's WBBM-TV Chicago by group headed by local attorney, Brenda Minor. Many communications attorneys believe case underscores vulnerability of broadcasters with good track records to costly and time-consuming challenges. FCC has also ordered comparative renewal for Viacom's KMOV-TV St. Louis and is preparing orders affecting at least several other television stations.

Compulsory License

■ FCC is conducting inquiry into cable compulsory license, and may have "front burner" item ready for action in late summer or early fall. If views of FCC Chairman Dennis Patrick are guide, inquiry could lead to recommendation that Congress abolish license. At National Cable Television Association board meeting during association's annual convention, Patrick said he favors complete elimination of license, acknowledging that abolishing it for carriage of local stations would create some practical problems. Although FCC staff is actively working on item, it is not likely to be ready for FCC action until late summer at earliest.

Reexamination of license on Capitol Hill could occur in context of broadcasters' efforts to resurrect must-carry requirements there. House Telecommunications Subcommittee member John Bryant (D-Tex.) has offered legislation (BROADCASTING, April 4) to condition compulsory license on whether cable operator is carrying local broadcast signals. Senate Copyright Subcommittee Chairman Dennis DeConcini (D-Ariz.) offered similar measure two weeks ago (BROADCASTING, June 20). NAB television board has directed staff to investigate all aspects of compulsory license as part of joint board's consideration of must-carry issues. In comments on license inquiry, cable generally supported retention of license while program producers opposed it. NAB softened its long-standing opposition, arguing that license should be left alone for time being.

Crossownership

■ *Telco-cable*—National Cable Television Association and California Cable Television Association have asked three FCC commissioners to review staff's April 12 decision to waive telco-cable crossownership rules and allow GTE to build cable system in Cerritos, Calif.

Question of whether telephone companies should be allowed to offer cable service within their telephone service areas has been central to separate FCC proceeding that could lead to dropping of FCC rules barring such crossownership and recommendation to Congress to eliminate redundant prohibition in Cable Communications Policy Act of 1984. Not waiting for FCC, Representative Howard Nielson (R-Utah) introduced legislation to eliminate statutory ban.

Even if FCC and Congress drop crossownership prohibitions, seven Bell operating companies would still be prevented from entering cable business by Judge Harold Greene's modified final judgment in consent decree that led to breakup of AT&T. National Telecommunications and Information Administration has petitioned FCC to preempt Greene's regulation of BOC's, arguing that Greene is hampering BOC's entry into information services, including cable. President's Cabinet-level Economic Policy Council is considering legislation that would deregulate BOC's.

Duopoly/one-to-a-market. FCC officials, speaking at NAB convention (April 9-12), said record in duopoly and one-to-a-market rulemaking supports some relaxation of rules. But officials indicated that opposition from Hill to any FCC initiative involving liberalization of broadcast ownership rules makes any action on rules unlikely at this time.

Broadcast-newspaper—Rupert Murdoch won victory in U.S. Court of Appeals in Washington March 29 when court ruled that statute passed by Congress in session's final hours violated First and Fifth Amendments by prohibiting FCC from extending current waivers of rule banning newspaper-television station crossownership. Court did not rule on constitutionality of substance of provision that bars

Benjamin Cardin (D-Md.) focused questions on the adequacies of labeling. Canby said "it is kind of ridiculous because it doesn't tell you anything of substance. It's a pat on the back for doing what you want." But if it were a matter of labeling or nothing, as Lungren asked, Canby said labeling "wouldn't hurt" and "would point out the bad deed that had been done." Law professor Monroe Price, who generally sided with Hiller and Canby in the debate, said "labeling was a useful technique." But he said it should exist for all films, not only those that had been colorized.

David Brown, a Hollywood producer who spoke on behalf of the Motion Picture Association of America, which opposes both H.R. 2400 and the Mrazek amendment, said "I have no problem with labeling. We would like to work out the language." Mayer said TBS informs the audience what it is watching whenever a colorized film is shown. "In general, we would have no problem with labeling, he said, although "it could get out of hand." Asked whether he would agree to a label whereby the original director and/or writer would disassociate themselves from the colorized version of a film, Brown said: "That could be a problem," because part of the marketing aspect is the "names" associated with the picture.

Both Brown and Mayer said efforts to block colorization smack of censorship. The taste and choice of the public, they said, should not be legislated. And they said that current archival efforts by the film studios, the Library of Congress and other groups are preserving the black and white originals of older films.

While the subcommittee sought to find some common ground on labeling, there were differences over other aspects of H.R. 2400 and the Mrazek amendment. The subcommittee had problems with singling out the director and writer as responsible for the artistic work of a film, as would be specified in H.R. 2400. "Can we be sanguine in nominating only the director and writer and/or their heirs?" asked Kastenmeier. Representative Henry Hyde (R-Ill.) had trouble with the bill's provision that would allow the artist's heirs to assign the artistic rights to a qualified person. Representative Pat Schroeder (D-Colo.) said she was bothered "a lot" by the prospect of a government agency, the NFC, deciding questions of taste.

Representative Howard Berman (D-Calif.) asked why the differences the Directors Guild had with film alterations weren't corrected during the creation of the film. "We're talking about a social issue," said Hiller, "and that's beyond collective bargaining."

The Association of National Advertisers joined with the MPAA and the National Association of Broadcasters last week in opposing the Mrazek amendment. ANA wrote to House Rules Committee Chairman Claude Pepper (D-Fla.), whose committee is the next stop for the Interior Department's appropriations bill, urging Pepper to vote against a waiver that would allow the NFC to be considered within the appropriations bill. □

Color it green

Sometimes lost in the colorization debate is the question of whether the financial ends have justified the means. Ted Turner bought the MGM film library at a cost of over $1.4 billion, in part, because of the potential for reviving many of the black and white films by colorizing them.

Turner Entertainment President Roger Mayer said colorized versions of black and white films have produced strong ratings, which in turn have created a bona fide revenue stream. Mayer, at a luncheon with reporters on the eve of a House hearing on colorization (see page 55), said the black and white version of "Miracle on 34th Street" earned $1 million in syndication over the past 20 years. The colorized version, in three years, has grossed $2.7 million. Two relatively unknown Errol Flynn pictures, which made $200,000 each in 10 years in syndication as black and white films, have brought in $1 million each in their first colorized showings, Mayer said.

In the videocassette market, Mayer said that in the past two years, 200,000 copies of the colorized version of "It's a Wonderful Life" were sold, while only 60,000 copies of the black and white version were sold. TBS continues to put out black and white versions of classic films for videocassette, including "Asphalt Jungle" and "Father of the Bride," which will appear in both versions this summer, said Mayer.

Mayer said TBS has colorized 30 movies to date and has plans for about 100. Both Color Systems Technology and American Film Technology are colorizing films for TBS. They deliver about two a month, said Mayer, at a cost of $250,000 to $300,000 per picture. Those costs are usually covered in the first year, said Mayer. TBS has found revenues on average running between $500,000 and $800,000 in the first year after colorizing a film, he said. The next few films that will be colorized, he said, are "Arsenic and Old Lace," "They Died with Their Boots On" and "The Postman Always Rings Twice."

MGM is not the only studio colorizing black and white films. Mayer said Disney, 20th Century Fox, Columbia and Republic Pictures are also involved in colorizing.

Lakers-Pistons battle gives CBS the week

Bolstered by two broadcasts of the NBA finals between the L.A. Lakers and the Detroit Pistons, CBS won its second week of the "summer season," taking week 39 (ended June 19) with an 11.8 rating and a 23.2 share. NBC closed out the week with an 11.0/21.6. ABC had an 8.7/16.9, according to Nielsen household ratings figures. (CBS's other summer win was week 32, when the network closed out the week with a 13.9 rating over NBC's 13.4 and ABC's 12.1.)

Game five of the finals ran on Thursday, June 16, and ranked fourth for the week with a 16.1/30. Game four, telecast June 14, posted a 14.8/27 and ranked ninth, just ahead of NBC's *L.A. Law*, which earned a 14.3/26. CBS's other two programs that ranked in the top 10 for the week were the *CBS Sunday Movie*, which ranked seventh (15.0/28), followed by *60 Minutes* at eighth with a 14.9/35.

NBC held onto the top three slots, with *Night Court* in the lead (16.4/29), followed by *A Different World* (16.3/31) and *Cheers* 16.3/30. ABC's *Who's the Boss?* ranked 12th for the week with a 13.4/27.

Nielsen		Net	AGB		Nielsen		Net	AGB	
1.	16.4/29	N Night Court	3.	16.9/30	34.	9.7/19	C Blue Skies *	33.	10.3/20
2.	16.3/31	N Different World	4.	16.9/33	35.	9.7/24	N Facts of Life	35.	10.0/24
3.	16.3/30	N Cheers	2.	17.2/32	36.	9.5/19	C 48 Hours	37.	9.5/19
4.	16.1/30	C NBA Finals, game 5	6.	14.7/28	37.	9.4/18	A Billy Joel in the USSR	38.	9.4/17
5.	15.3/33	N Golden Girls	5.	16.6/35	38.	9.4/16	A Thirtysomething	39.	9.3/17
6.	15.2/30	N Cosby Show	1.	17.6/36	39.	9.2/18	A Monday Night Baseball	45.	8.7/16
7.	15.0/28	C CBS Sunday Movie	7.	14.7/28	40.	9.0/17	N Bronx Zoo	40.	9.1/16
8.	14.9/35	C 60 Minutes	13.	14.0/34	41.	8.9/18	N My Two Dads	53.	8.0/16
9.	14.8/27	C NBA Finals, game 4	18.	13.2/25	42.	8.7/17	N Miami Vice	50.	8.2/15
10.	14.3/26	N L.A. Law	14.	13.8/25	43.	8.6/19	A Full House	47.	8.7/18
11.	13.7/28	C Murder, She Wrote	17.	13.3/28	44.	8.5/18	A Mr. Belvedere	36.	9.8/20
12.	13.4/27	A Who's the Boss?	12.	14.0/27	45.	8.5/19	C Beauty and the Beast	44.	8.7/19
13.	13.1/27	N Amen	11.	14.1/28	46.	8.4/18	N Family Ties	48.	8.5/18
14.	13.0/25	A Perfect Strangers	21.	12.7/24	47.	8.2/19	A Perfect Strangers, Friday	41.	9.0/20
15.	12.9/26	N ALF	9.	14.4/28	48.	8.2/15	N Sara	43.	8.8/16
16.	12.9/23	N NBC Tuesday Movie	8.	14.7/26	49.	8.1/17	A Spenser: For Hire	56.	7.7/16
17.	12.8/23	C Newhart	20.	13.0/23	50.	8.0/16	A I Married Dora	46.	8.7/17
18.	12.6/25	A 20/20	19.	13.1/24	51.	7.9/14	A ABC Thursday Movie	51.	8.1/15
19.	12.6/24	C Wiseguy	22.	12.6/23	52.	7.7/16	A MacGyver	55.	7.8/16
20.	12.6/25	N Hogan Family	15.	13.7/25	53.	7.7/17	C Sea World Lone Star	49.	8.4/18
21.	12.4/23	N NBC Sunday Movie	23.	12.5/23	54.	7.6/14	A ABC Sunday Movie	52.	8.0/15
22.	12.3/25	C CBS Friday Movie	16.	13.5/26	55.	7.6/16	N Sonny Spoon, Detective	59.	6.8/13
23.	12.2/24	N Matlock	10.	14.2/27	56.	7.5/16	C West 57th	57.	7.5/16
24.	12.0/25	N Hunter	25.	12.4/26	57.	7.5/17	N Best of TV Bloopers	42.	9.0/19
25.	11.7/21	N NBC Monday Movie	27.	11.9/22	58.	6.6/13	C Good Man, C. Brown	60.	6.5/12
26.	11.6/25	A Growing Pains	26.	12.4/25	59.	6.4/13	A Ohara	63.	5.4/11
27.	11.5/23	A Head of the Class	28.	11.9/23	60.	6.4/12	N Days, Nights of M. Dodd	58.	7.4/14
28.	11.5/20	C Eisenhower and Lutz	30.	11.1/20	61.	6.4/13	N Highway to Heaven	54.	7.9/16
29.	11.4/21	C Cagney and Lacey	24.	12.4/23	62.	5.7/11	A Sledge Hammer!	62.	5.9/12
30.	10.8/25	N 227	29.	11.7/27	63.	5.6/13	N Our House	61.	6.1/15
31.	10.6/19	A Moonlighting	31.	10.9/20	64.	5.2/12	A Disney Sunday Movie	64.	4.4/11
32.	10.2/20	A Hooperman	32.	10.5/20	65.	4.7/11	A Probe	65.	4.1/10
33.	10.2/21	C Jake and the Fatman	34.	10.3/20					

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